

EXHIBIT 6

MILBERG TADLER PHILLIPS GROSSMAN^{LLP}

NEW YORK

Elizabeth McKenna
Direct Dial: (212) 631-8605
emckenna@milberg.com

August 3, 2018

VIA EMAIL

Jessica A. Michaels, Esq.
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606
jmichaels@mayerbrown.com

Re: *In re Dealer Management Systems Antitrust Litig.*,
MDL No. 2817, Case No. 18-CV-864 (N.D. Ill.)

Dear Jessica:

I write in response to your August 3 letter.

Your letter contains many factual inaccuracies, and it serves no purpose at this time to address them in detail. We believe the prior communications between our firms on these issues make very clear CDK's delay and lack of direct response to our repeated inquiries about its different productions to the FTC, Authenticom, and Dealership Class Plaintiffs.

In reference to the 4,535 documents currently at issue:

CATEGORY 1

You state there are 1,807 "[d]ocuments identified as privileged by CDK *prior* to production to the FTC in connection with the FTC's joint conduct investigation and therefore produced to the FTC as slip sheets ... and later reproduced to Dealership Class Plaintiffs in the same form (Aug. 3 ltr at 2).

- Please identify the Bates-numbers for the 1,807 documents in Category 1.

CATEGORY 2

You state there are 2,275 documents that were "originally produced to the FTC ... but identified by CDK as privileged *before* CDK re-produced [them] to Dealership Class Plaintiffs." *Id.*

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- Please identify the Bates-numbers for the 2,275 documents in Category 2.
- Our July 12, 2018 letter included the request, “[p]lease indicate the total number of documents and their bates numbers you requested that the FTC destroy or return. If you have requested that the FTC destroy or return any documents in addition to those listed in Schedule A, please indicate the total number of these documents and their bates numbers, and the date(s) such request(s) occurred.” This question was asked again in our July 23 email. Your July 27, 2018 letter stated you would not provide the information requested as it “is irrelevant to the parties’ dispute.” (Jul. 27 ltr at 3) Please let us know if you will now provide the following information, or if you still view it as “irrelevant”:
 - On what date(s) were these documents produced to the FTC?
 - On what date(s) did CDK request the documents be clawed back from the FTC?
 - Which firm (Mayer Brown or Paul, Weiss) requested the documents be clawed back from the FTC?
 - On what date(s) did the FTC agree to return or destroy these documents?
 - On what date(s) were these documents produced to Authenticom?
 - Were these documents produced to Authenticom as placeholders, partially redacted, or as full documents?

CATEGORY 3

You state that “[t]he remaining 453 documents were never produced to the FTC at all.” (Aug. 3 ltr at 3) You reference 74 documents of the 453 “were identified as privileged prior to their re-production to Dealership Plaintiffs and have since been clawed back from Authenticom.” *Id.*

- Please identify the Bates-numbers for the 379 documents “produced to *all* MDL Plaintiffs in the first instance as “slip-sheets” (*id.*), and separately provide the Bates-numbers for the 74 documents that were “identified as privileged prior to their re-production to Dealership Plaintiffs and have since been clawed back from Authenticom.” *Id.*
- Please provide the dates of CDK’s clawback of the 74 documents from Authenticom, and confirm that Authenticom destroyed or returned all 74 of these documents pursuant to your clawback request.

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As we need to evaluate these categories further, we request a response by 5:00 pm ET tomorrow. After reviewing your response, if the parties think a meet and confer would be productive, we are available on Sunday.

Sincerely,

/s/ Elizabeth McKenna
Elizabeth McKenna

cc: CDK-MDL-Team@mayerbrown.com
DMSteam@milberg.com
Derek Ho, Michael Nemelka